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June 9, 2004

Mary Cottrell, Secretary
Department of Telecommunications & Energy
Commonwealth of Massachusetts
One South Station, 2nd Floor
Boston, MA 02110

RE: DTE 03-60; Proceeding by the Department of Telecommunications and Energy on its own Motion to Implement the Requirements of the Federal Communications Commission's Triennial Review Order Regarding Switching for Mass Market Customers

Dear Ms. Cottrell:

Richmond Connections, Inc. d/b/a Richmond NetWorx, by counsel, hereby submits this letter in support of AT&T's Emergency Motion for an Order to Protect Consumers by Preserving Local Exchange Market Stability, filed on May 28, 2004, and ACN Communications, *et al.* ("CLEC Coalition") Petition for an Expedited Order that Verizon Remains Required to Provision Unbundled Network Elements on Existing Rates and Terms Pending the Effective Date of Amendments to the Parties' Interconnection Agreements, filed May 27, 2004.

Richmond NetWorx is a full service, facilities-based competitive local exchange carrier ("CLEC") providing service in rural Berkshire County, Massachusetts. As part of its facilities-based services in Pittsfield, NetWorx contracts with Verizon New England, Inc. d/b/a Verizon Massachusetts ("Verizon") for unbundled network element ("UNEs") and collocation in Pittsfield for "last mile" connection to its own network via unbundled voice grade and high capacity loops. In this market, NetWorx is truly a facilities-based CLEC in that it provides both business and residential local exchange services using its own switch and leased interoffice trunking. It relies on Verizon solely for UNE loops and for collocation space.

Richmond NetWorx currently is in the process of establishing similar arrangements in Lenox and in Greater Barrington. In expanding its service to these additional markets, NetWorx has made limited and temporary use of UNE-P from Verizon. It has done so for the relatively short period of time necessary to establish a customer mass sufficient in size to justify utilization of its own switching and interoffice transport facilities. In this sense, Richmond NetWorx relies upon UNE-P only as a market entry strategy. Thus, Richmond NetWorx truly is a facilities-

based carrier that relies upon UNE-P as an indispensable market entry tool. It replaces UNE-P as soon as possible with the only facilities over which it can control costs and reliability – its own. Richmond NetWorx believes that this is the appropriate use of UNE-P, and that UNE-P should not be the means by which CLECs provide service in the longer term.

Richmond NetWorx fully supports the motions of AT&T and of the CLEC Coalition. It also supports Sprint's comments in its letter of June 4, 2004. Those filings provide several persuasive legal arguments in support of a standstill order, and Richmond NetWorx will not repeat them here. Richmond NetWorx wishes to stress, however, that *USTA II* provides no basis for unilateral action by Verizon. Further, any unilateral and unlawful action by Verizon to eliminate or to re-price high capacity loops or UNE-P would be severely detrimental to Richmond NetWorx's established and future operations.

High capacity UNE loops are indispensable to Richmond NetWorx's operations as well as to the operations of other facilities-based CLECs. They generally are not available from any other source. A sudden loss of such UNEs effectively would eliminate Richmond NetWorx's ability to serve customers that require high capacity loop facilities.

A sudden loss of UNE-P, such as would result from unilateral action by Verizon, similarly would eliminate Richmond NetWorx's ability to provide service to customers in areas where Richmond NetWorx is expanding service, including the exchanges where it is ready to convert customers over to its own facilities. Inasmuch as Richmond NetWorx does not have the market power or capitalization of a company like Verizon, it cannot always afford to enter a market initially using its own facilities. As Richmond NetWorx's track record indicates, however, UNE-P provides a means for entry into new markets and a bridge to migrate customers from Verizon's network to Richmond NetWorx's own network. If Verizon suddenly, and without force of law, withdraws UNE-P services, it will achieve the end it desires – stopping the expansion of aggressive, facilities-based CLECs, such as Richmond NetWorx.

Under the circumstances, Richmond NetWorx joins in requesting that the Department issue a "standstill" order to preserve the *status quo ante* during the pendency of the deliberative process that Verizon seeks to avoid by its threatened unilateral actions. Verizon should not be allowed to arrange the "playing field" to its advantage without being required to justify to the Department, if it can, its legal positions in support of ending or re-pricing high capacity loop UNEs and UNE-P services. Even if Verizon is able to justify these positions, it is necessary that any changes to the arrangements between Richmond NetWorx and Verizon be undertaken in a coordinated manner so as to avoid market disruption and the immediate loss of service to Massachusetts consumers. Unilateral action by Verizon will prevent such coordination.

Sincerely,

RICHMOND CONNECTIONS, INC.
d/b/a RICHMOND NETWORKX

By Counsel,

John B. Adams